

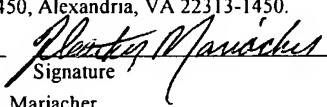


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ATTORNEY'S DOCKET NUMBER: 2003080-0071 (SK-744-CON4)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.* Art Unit: 1626
Patent No.: 6,972,335 Issue Date: December 6, 2005
U.S.S.N.: 10/004,571 Filing Date: December 4, 2001
Title: SYNTHESIS OF EPOTHILONES, INTERMEDIATES THERETO,
ANALOGUES AND USES THEREOF

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Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Applicant requests reconsideration of the patent term adjustment indicated on the face of U.S. Patent 6,972,335. A check in the amount of \$200.00 to cover the fee set forth in 37 C.F.R. § 1.18(e) is enclosed.

Applicant respectfully submits that the correct patent term adjustment for the above-referenced patent is 750 days under 37 C.F.R. § 1.702, not 711 days as indicated on the face of the patent.

The above-referenced patent issued more than four months after the date on which the issue fee was received by the USPTO. Therefore, under 37 C.F.R. § 1.702(a)(4), Applicant is entitled to a patent term adjustment of an additional 39 days, the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date the patent was issued. 37 C.F.R. § 1.703(a)(6). In the present case, the issue fee was received by the USPTO on June 27, 2005; therefore, the day after the date that is four months after the date that the issue fee was paid and all outstanding requirements were satisfied was October 28, 2005. The patent, however, did not

issue until December 6, 2005. Therefore, the 39 days between October 28, 2005 and December 5, 2005 should be added to the 711 day patent term adjustment indicated on the face of the patent. Applicant respectfully submits that under 37 C.F.R. § 1.702 the patent term adjustment should be 750 days given the USPTO's delay in issuing the above-referenced patent.

Under 37 C.F.R. § 1.705(b)(2)(iii), Applicant submits that the above-referenced patent is not subject to a Terminal Disclaimer.

Any circumstances during the prosecution of the Application resulting in the above-referenced patent that constituted a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in 37 C.F.R. § 1.704 were taken into account in the initial calculation of the patent term adjustment of 711 days. The Patent Term Adjustment History on PAIR indicates that the 720 days of patent term adjustment due to USPTO delay was reduced by 9 days due to Applicant delay resulting in 711 days of patent term adjustment.

Applicant submits that this request for reconsideration of the patent term adjustment is timely since it was submitted within two months of the date of issuance of the patent. 37 C.F.R. § 1.705(d). Applicant requests that a notice of this revision to the patent term adjustment be sent to the Applicant.

Respectfully submitted,



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